

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

KAMAL K. PATEL

§

VS.

§

CIVIL ACTION NO. 1:04-CV-622

TERRY SATCHER, ET AL.

§

MEMORANDUM OPINION REGARDING TRANSFER

Plaintiff Kamal K. Patel, an inmate currently confined at the Federal Medical Center in Butner, North Carolina, proceeding *pro se*, filed this civil rights action against seventeen employees of the Federal Bureau of Prisons (“BOP”). The defendants are employed at federal prisons in Beaumont and Bastrop, Texas.

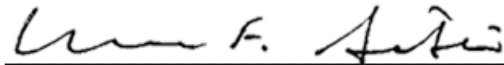
Discussion

When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue is proper only in the judicial district where the defendants reside or in which the claim arose. However, under 28 U.S.C. § 1404(a), for the convenience of parties and witnesses and in the interest of justice, a district court may transfer any civil action to any other district or division where it could have been brought. Such a transfer may be done *sua sponte* and is reviewable only for an abuse of discretion. *Mills v. Beech Aircraft Corp.*, 886 F.2d 758, 761 (5th Cir. 1989).

The court has considered the circumstances and has determined that justice would best be served if the claims concerning events that took place at the Federal Correctional Institution in Bastrop were severed and transferred to the district in which the claims arose. Therefore, it is the opinion of the undersigned that the claims against defendants Unit Manager Warren, Correctional

Officer Widden, Assistant Inmate Systems Manager Mary J. Mason, and Warden R. D. Miles should be severed and transferred to the Austin Division of the United States District Court for the Western District of Texas. This court will retain all remaining claims and defendants. An appropriate order so providing will be entered by the undersigned.

SIGNED this 30 day of August, 2007.

A handwritten signature in black ink, appearing to read "Keith F. GIBLIN", written over a horizontal line.

KEITH F. GIBLIN
UNITED STATES MAGISTRATE JUDGE